

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CAVE CONSULTING GROUP, INC.,

Plaintiff,

v.

OPTUMINSIGHT, INC.,

Defendant.

Case No. [15-cv-03424-JCS](#)

ORDER DENYING MOTION TO STAY

Re: Dkt. No. 167

This Court previously granted a motion by Defendant OptumInsight, Inc. to stay pending interlocutory appeal the Court's previous order granting in part a motion to compel production of documents. The Court stayed OptumInsight's document production obligations until twenty-one days following the disposition of OptumInsight's interlocutory appeal. The United States Court of Appeals for the Federal Circuit denied OptumInsight's petition for interlocutory appeal on February 24, 2017. Although the Federal Circuit's order was without prejudice to OptumInsight filing a subsequent petition for mandamus, it disposed of the interlocutory appeal within the meaning of this Court's previous order granting a stay.

OptumInsight now moves once again to stay its discovery obligations pending the outcome of a petition for mandamus. *See* dkt. 167. The Court finds that OptumInsight has not met its burden to obtain a further stay. *See Nken v. Holder*, 556 U.S. 418, 433–34 (2009). In the discretion of the Court, that motion is DENIED.

IT IS SO ORDERED.

Dated: March 7, 2017


JOSEPH C. SPERO
Chief Magistrate Judge